

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

MICROGRAFX LLC,

Plaintiff,

v.

SAMSUNG TELECOMMUNICATIONS  
AMERICA, LLC; SAMSUNG ELECTRONICS  
AMERICA, INC.; SAMSUNG ELECTRONICS  
CO., LTD.

Defendants.

Civil Action No. 3:13-cv-03599

**DEFENDANTS' MOTION TO DISQUALIFY MATTHEW POWERS, STEVEN  
CHERENSKY, AND THE TENSEGRITY LAW GROUP AS COUNSEL FOR  
MICROGRAFX AGAINST SAMSUNG IN THIS CASE**

Defendants, Samsung Telecommunications America, LLC, Samsung Electronics American, Inc., and Samsung Electronics Co., Ltd., (collectively "Samsung") respectfully file Defendants' Motion to Disqualify Matthew Powers, Steven Cherensky, and the Tensegrity Law Group as Counsel for Micrografx Against Samsung In This Case.

As detailed in the accompany memorandum, Powers' and Cherensky's representation adverse to Samsung in this case violates the Texas Disciplinary Rules of Professional Conduct, including Texas Rules 1.09(a)(2), 1.09(a)(3) and 1.09(b), because during counsel's long-standing representation of Samsung in no less than a dozen patent litigation matters counsel received extensive amounts of Samsung confidential information, and also because counsel represented Samsung in patent litigation substantially related to the present case. Under Texas Rule 1.09(c), their conflict is imputed to the Tensegrity Law Group as a whole, as their attorneys have not been ethically walled from Powers and Cherensky.

Dated: December 23, 2013

Respectfully submitted,

/s/ Jon B. Hyland

---

Jon B. Hyland  
MUNSCH HARDT KOPF & HARR  
500 N. Akard Street, Suite 3800  
Dallas, TX 75201-6659  
Phone: (214) 855-7544  
Fax: (214) 978-5360  
jhyland@munsch.com

Kevin P.B. Johnson (*admission pending*)  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
555 Twin Dolphin Drive., 5<sup>th</sup> Floor  
Redwood Shores, California 94065  
Phone: (650) 801-5000  
Fax: (650) 801-5100  
kevinjohnson@quinnemanuel.com

David A. Perlson (*admission pending*)  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
50 California Street, 22nd Floor  
San Francisco, California 94111-4788  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700  
davidperlson@quinnemanuel.com

Joseph Milowic III (*admission pending*)  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
51 Madison Ave., 22<sup>nd</sup> Floor  
New York, New York 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100  
josephmilowic@quinnemanuel.com

*Attorneys for Defendants, Samsung Telecommunications America, LLC; Samsung Electronics America, Inc.; Samsung Electronics Co., Ltd.*

**CERTIFICATE OF CONFERENCE**

I hereby certify that on December 23, 2013, I conferred with Plaintiff's counsel by phone pursuant to L.R. 7.1(b). Plaintiff's counsel indicated that they opposed the relief sought in this motion.

/s/ Jon B. Hyland

Jon B. Hyland

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically pursuant to L.R. 5.1(d) on December 23, 2013. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jon B. Hyland

Jon B. Hyland